

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Clear Wire (Groveland Rec Center) **FILE #** 10-114-639
  2. **APPLICANT:** Clear Wireless LLC **HEARING DATE:** April 1, 2010
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 1961 St Clair Ave, between Prior and Kenneth
  5. **PIN & LEGAL DESCRIPTION:** 042823330141, Underwoods 3rd Addition to the E 24 Ft Of Kenneth St Vac Adj And Blk 8
  6. **PLANNING DISTRICT:** 14 **PRESENT ZONING:** R3
  7. **ZONING CODE REFERENCE:** §65.310; §61.501
  8. **STAFF REPORT DATE:** March 22, 2010 **BY:** Sarah Zorn
  9. **DATE RECEIVED:** February 26, 2010 **60-DAY DEADLINE FOR ACTION:** April 27, 2010
- 

A. **PURPOSE:** Conditional Use Permit for a wireless communications antenna on a 100 ft monopole

B. **PARCEL SIZE:** 163,680 sq. ft.

C. **EXISTING LAND USE:** G-Parks/Rec. Facility

D. **SURROUNDING LAND USE:**

North: Single and two family residential (R3)

East: Single and two family residential (R3)

South: Two family and multifamily residential (RM2)

West: Groveland Elementary School (R3)

E. **ZONING CODE CITATION:** §65.310 requires a conditional use permit for cellular telephone antennas on a free-standing pole in residential districts, and provides specific standards and conditions for cellular telephone antennas. §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.

F. **HISTORY/DISCUSSION:** In 2004 an application for a front yard setback variance was approved to allow the construction of a garage, attached to the recreation center building.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 14 Council had not commented at the time this staff report was prepared.

H. **FINDINGS:**

1. The Department of Safety and Inspections issued a Determination of Similar Use statement in December of 2009 determining that a broadband data service provider is substantially similar in character to traditional cellular telephone service.
2. §65.310 defines 'cellular telephone antenna', requires a conditional use permit for cellular telephone antennas on a free-standing pole in residential districts, and lists the following standards and conditions with which they must comply:
  - (a) *In residential districts, a conditional use permit is required for cellular telephone antennas on a residential structure less than sixty (60) feet high. In residential, traditional neighborhood and business districts, a conditional use permit is required for cellular telephone antennas on a freestanding pole, except for existing utility poles. In residential and traditional neighborhood districts, existing utility poles to which cellular telephone antennas are attached shall be at least sixty (60) feet high. This condition is met. An application for a conditional use permit has been made for a cellular telephone antenna on a 100 foot high freestanding monopole.*
  - (b) *In residential, traditional neighborhood, and OS--B3 and B5 business districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached... The proposed antenna is not being attached to an existing structure; therefore this condition does not apply to this application.*
  - (c) *For antennas proposed to be located on a residential structure less than sixty (60) feet high*

*in residential districts, or on a new freestanding pole in residential, traditional neighborhood, and business districts, the applicant shall demonstrate that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half ( 1/2) mile radius of the proposed antennas due to one (1) or more of the following reasons:*

- (1) The planned equipment would exceed the structural capacity of the existing pole or structure.*
- (2) The planned equipment would cause interference with other existing or planned equipment on the pole or structure.*
- (3) The planned equipment cannot be accommodated at a height necessary to function reasonably.*
- (4) The owner of the existing pole, structure or building is unwilling to co-locate an antenna.*

The applicant has provided a map showing buildings within one half mile of the proposed antenna site, and the reasons the proposed antennas cannot be accommodated on existing structures in the area.

- (d) In residential, traditional neighborhood and business districts, cellular telephone antennas are to be located on a new freestanding pole are subject to the following standards and conditions:*

- (1) The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas. This condition is met. The February 26, 2010 letter from the applicant attached to the application states that the antenna will be 100 ft. tall and collocatable.*
- (2) Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure. This condition is met. The proposed location is more than 110 ft. from the nearest residential property and is not in a required yard.*
- (3) The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision. The applicant has provided a photographic perspective that shows what the antenna will look like on the site, which will be approved by Parks and Recreation. The antenna will be designed to carry a light fixture used to illuminate the ballfield as well, which will help it to blend in.*
- (4) In residential and traditional neighborhood districts, the pole shall be on institutional use property at least one (1) acre in area. In business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area. This condition is met. The pole will be located on Parks property, at the Groveland Rec Center, which is approximately 3.75 acres in area.*

- (e) In industrial districts, cellular telephone antennas on a freestanding pole shall not exceed one hundred fifty (150) feet in height, shall not be located in a required front or side yard, and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure. This condition does not apply.*
- (f) Antennas located in historic districts shall be subject to review and approval of the heritage preservation commission. This condition does not apply.*
- (g) Freestanding poles shall be a monopole design. This condition is met. The proposed*

freestanding pole is a monopole design.

- (h) *Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate.* This condition can be met. The applicant is proposing to construct a 10 ft. x 10 ft. enclosure for the wireless communication pole equipment. It will be surrounded by an 8 ft. high chain link fence. No screening is currently proposed.
- (i) *Cellular telephone antennas that are no longer used for cellular telephone service shall be removed within one (1) year of nonuse.* This condition is met. The applicant has agreed to abide by this condition.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Comprehensive Plan refers to the importance of ensuring investments in local and regional infrastructure supportive of economic development.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. There is no significant traffic associated with the use; ingress and egress is adequate for routine maintenance.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed pole will be located on Parks property and will remove and replace an existing light fixture. The use will actually improve the general welfare by expanding wireless communication capabilities in the area.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will not impede the development or improvement of surrounding properties.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The construction, operation and maintenance of the antenna will conform to all applicable district regulations.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for a wireless communications antenna on a 100 ft monopole at 1961 St. Clair Avenue, as shown on the attached site plan, subject to the following conditions:

- 1. A lease agreement is reached between Clear Wire and the City of Saint Paul;
- 2. The screening and concealment of ground equipment shall be approved by the City of Saint Paul, Department of Parks and Recreation;
- 3. If the antenna is no longer used for cellular phone/wireless communication service it shall be removed within one year as stated in section 65.310(j);
- 4. During the effective period of the lease, Clear Wire shall be responsible for removal or relocation of the antenna and monopole at Clear Wire's expense if required by the City of Saint Paul.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # 10-114639Fee: 750<sup>00</sup>

Tentative Hearing Date:

4-1-10

PD=14

042823330141

**APPLICANT**Name Clear Wireless, LLC MW-MSP0464Address 7400 Metro Blvd., Ste. 260City Edina St. MN Zip 55439 Daytime Phone (651) 249-3866Name of Owner (if different) City of St. PaulContact Person (if different) Lawrence Coleman Phone (651) 249-3866**PROPERTY  
LOCATION**Address / Location 2059 St. Clair Ave. (Groveland Park)Legal Description PIN: 04.28.23.33.01X0 0141See attached Tax Sheet Current Zoning R-3  
(attach additional sheet if necessary)

Groveland Rec Center

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of

Chapter 65, Section 65.310, Paragraph (d) of the Zoning Code.

**SUPPORTING INFORMATION:** Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See attached documentation.

CK  
173761  
750<sup>00</sup>☒ Required site plan is attached

Applicant's Signature

Lawrence Coleman for  
Clear Wireless, LLC

Date

2/26/10

City Agent

pdd  
2-26-10





FMHC Corporation  
1535 N. Elston Avenue  
Chicago, IL 60622

[www.fmhc.com](http://www.fmhc.com)  
phone 773 395 8800  
fax 773 395 3464

February 26, 2010

City of St. Paul  
PED - Zoning Section  
1400 City Hall Annex  
25 W. 4<sup>th</sup> St.  
St. Paul, MN 55102-1634

Re: Conditional Use Permit Application  
Clearwire Site No.: MN-MSP0464  
Address: 2059 St. Clair Ave.

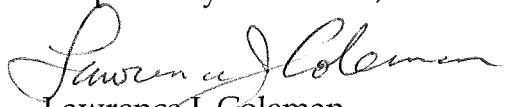
Dear PED:

Clear Wireless, LLC is a new wireless service provider to the Twin Cities and is in the process of developing its network. Attached please find a Special Condition Use Permit application along with a check for the application fee in the amount of \$750.00. Enclosed with the application is the legal description, supporting information, site plans, map with legend of properties within 1/2 mile radius and zoning map.

This proposal is to replace an existing light standard at the Groveland Park skating rink with a 100 ft. monopole. The monopole will be collocatable. The ground equipment will be located on an H-frame adjacent to the recreational center building and the building will provide screening along with a new proposed fence. Clearwire has been working with the Parks and Recreation Department in the development of this site. Care has been taken in the location of this site to have the least impact on the neighborhood as possible.

If you have any questions or are in need of additional information, please do not hesitate to contact me.

Respectfully Submitted,

  
Lawrence J. Coleman  
FMHC Corporation  
(651) 249-3866

Enclosures

LJC/wo

## SUPPORTING INFORMATION

### Code Requirements:

*The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*

This use will be the location of antennae upon a 100 ft. monopole with the accompanying equipment on the ground besides the monopole as a replacement for the existing light standard. This monopole will be collocatable. Screening is provided by the existing recreational center building and by a new fence for the equipment. This area is currently used as a park adjacent to a school and the light standard is for the skating rink.

*The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

After initial construction, only routine maintenance of the site will be required and there will be no regular traffic associated with this use.

*The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

The current use of the proposed installation is as a light standard for a skating rink in a City park. The use of the light standard will remain but the pole will be taller in order to accommodate the wireless antennae and dishes. Installation of the antennae will actually improve the public health, safety and welfare by improving wireless service in the area and providing E911 emergency communications capability.

*The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

This use will have no impact upon the development and improvement of the surrounding property other than to provide the properties with higher quality wireless communication services.

*The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

It is the policy of Clearwire to comply with all laws and regulations. In addition to the district regulations, Clearwire will also comply with state and federal laws and regulations regarding wireless communication services. The proposed use complies with all the special conditions specified in the zoning code. Care was taken in the placement

of this monopole in an area of the property furthest from the surrounding residential uses and in a location with existing screening in accordance with the spirit and purpose of the zoning code.

Google maps

Address **2059 St Clair Ave**  
**St Paul, MN 55105**Notes MN-MSP0464  
Groveland Park Light Standard

## **Map Legend**

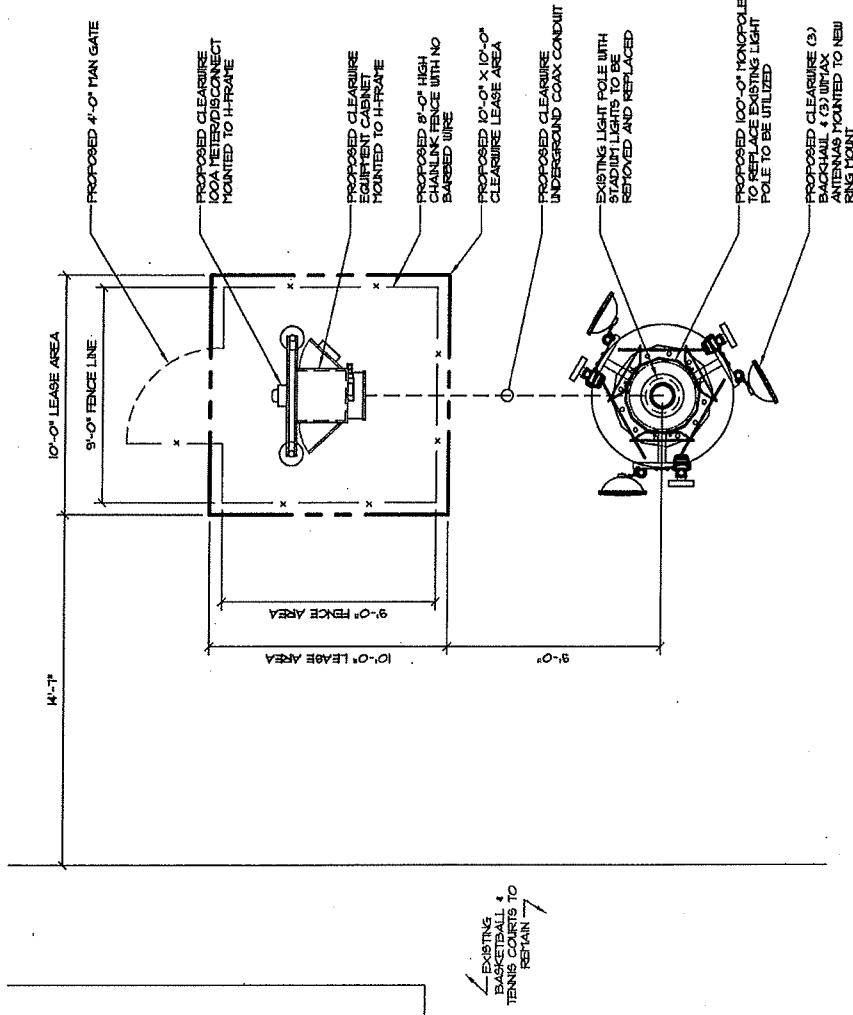
### **Groveland Park Light Standard**

- 1** Groveland Park School – There is another carrier on the school chimney and the available height is too low to function properly.
- 2** Kehilat Sar Shalom Temple – site is too low.
- 3** Commercial Buildings – 2 stories is too low for site.
- 4** Commercial Buildings – 2 stories is too low for site.
- 5** Pilgrim Lutheran Church – building is too low for site.
- 6** Nativity of Our Lord Church & School – too low for site.
- 7** St. Catherine's College – too far south for site, another Clearwire site is being sought in this location.
- 8** Qwest Switch Building – too low for site.
- 9** Grandview Theater – too low for site.
- 10** Apartments – too low for site.
- 11** Cretin Court Apartments – too far north, another Clearwire site is being sought at this location.
- 12** Commercial Building – 2 stories is too low for site.

<div>DRAWING INDEX</div> <table><tr><td>T-1</td><td>TITLE SHEET</td><td>REV.</td></tr><tr><td>C-1</td><td>OVERALL SITE PLAN</td><td>B</td></tr><tr><td>C-2</td><td>ENLARGED SITE PLAN &amp; TOWER ELEVATION</td><td>B</td></tr></table>		T-1	TITLE SHEET	REV.	C-1	OVERALL SITE PLAN	B	C-2	ENLARGED SITE PLAN & TOWER ELEVATION	B	<div>clearwire® wireless broadband</div>		<div>CLEARWIRE SITE ID: MN-MSP0464</div> <div>SITE NAME: ST. PAUL - CLEVELAND AVE S &amp; ST CLARE AVE W</div> <div>SITE ADDRESS: 2021 S CLAIR AVE ST. PAUL, MN 55105</div>		<div>APPROVALS</div> <table><tr><td>CM:</td><td></td></tr><tr><td>MPM:</td><td></td></tr><tr><td>LL:</td><td></td></tr><tr><td>SAC:</td><td></td></tr><tr><td>RF:</td><td></td></tr><tr><td>B/E:</td><td></td></tr></table>		CM:		MPM:		LL:		SAC:		RF:		B/E:	
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<div>SPECIAL NOTES</div> <p>ALL WORK SHALL BE INSTALLED IN CONFORMANCE WITH CURRENT CLEARWIRE CONSTRUCTION INSTALLATION GUIDE</p> <p>(EX) CONDITIONS WILL BE CHECKED AND VERIFIED IN FIELD. IF SIGNIFICANT DEVIATIONS OR DETEIORATION ARE ENCOUNTERED AT THE TIME OF CONSTRUCTION, A REPAIR PERMIT WILL BE OBTAINED AND CONTRACTOR SHALL NOTIFY STRUCTURAL ENGINEER IMMEDIATELY</p> <p>CONTRACTOR SHALL VERIFY ALL PLANS AND (EX) DIMENSIONS AND CONDITIONS ON THE JOB SITE &amp; SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME. THESE DRAWINGS ARE FULL SIZE AND ARE SCALEABLE ON 11"x17" SHEET SIZE AND ARE NOT REDUCED IN SIZE.</p> <p>STATEMENT THAT CONFORMANCE WITH THE ENERGY CODE IS NOT REQUIRED</p> <p>-SCOPE OF WORK DOES NOT INVOLVE MODIFICATIONS OF EXTERIOR MODIFICATIONS TO EXTERIOR ENVELOPE OF BUILDING, HVAC SYSTEMS OR ELECTRICAL LIGHTING.</p>		<div>DIRECTIONS</div> <p>DIRECTIONS FROM MINNEAPOLIS / ST. PAUL INTERNATIONAL AIRPORT: DEPART MINNEAPOLIS/ST. PAUL INTERNATIONAL AIRPORT ON 34TH AVE S, TURN LEFT (WEST) ONTO 10TH ST. ROAD NAME CHANGES TO POST RD. TAKE RAMP (LEFT) ONTO 10TH ST. ROAD NAME CHANGES TO POST RD. TAKE RAMP (LEFT) ONTO EDGEMOORE RD. TURN LEFT (WEST) ONTO ST. PAUL AVE. ROAD NAME CHANGES TO ST. PAUL AVE. KEEP STRAIGHT ONTO CR-46 (CLEVELAND AVE S). TURN RIGHT (EAST) ONTO ST. CLAIR AVE. ARRIVE 2021 ST. CLAIR AVE, ST. PAUL, MN 55105</p>		<div>LOCAL MAP</div>		<div>PROJECT SUMMARY</div> <p>SCOPE OF WORK: NEW CLEARWIRE EQUIPMENT CABINET 11-SPARE MOUNTED WITH NEW CLEARWIRE BACKHAUL AND WIPAX ANTENNAS RING MOUNTED ON NEW MONOPOLE.</p> <p>SITE NAME: ST. PAUL - CLEVELAND AVE S &amp; ST CLARE AVE W</p> <p>CLEARWIRE SITE ID: MN-MSP0464</p> <p>SITE ADDRESS: 2021 S CLAIR AVE ST. PAUL, MN 55105</p> <p>TOWER OWNER: CITY OF SAINT PAUL</p> <p>SITE CONTACT: DAVID AUSTIN</p> <p>APPLICANT: CLEARWIRE WIRELESS BROADBAND</p> <p>GEOGRAPHIC COORDINATES: LATITUDE: 44.93434600° LONGITUDE: -93.0933100°</p> <p>JURISDICTION: ST. PAUL</p> <p>TAX ID. NUMBER: TBD.</p> <p>COUNTY: RAMSEY</p> <p>BUILDING CODES: INTERNATIONAL BUILDING CODE (2006) NATIONAL ELECTRICAL CODE (2008)</p> <p>POWER COMPANY: XCEL ENERGY PHONE #: 800-481-4700</p> <p>TELEPHONE COMPANY: QUEST PHONE #: 800-603-6000</p>																						
<div>811</div> <p>Know what's below. Call before you dig.</p> <p>WWW.CITYOFSTPAUL.MN/811</p> <p>811 ST. PAUL 2020 CENTRE POINT BLVD MINNETONKA, MN 55345</p>		<div>clearwire® wireless broadband</div> <div>SITE NAME: ST. PAUL - CLEVELAND AVE S &amp; ST. CLARE AVE W</div> <div>CLEARWIRE SITE ID: MN-MSP0464</div> <div>2021 ST. CLAIR AVE SAINT PAUL, MN 55105</div>		<div>CONSULTING TEAM</div> <p>PROFESSIONAL ENGINEER: W-T COMMUNICATION DESIGN GROUP, LLC 2615 PRATT AVE HOTTEN ESTATES, IL 60152 TEL: (708) 758-6333 FAX: (708) 758-6444</p> <p>STRUCTURAL ENGINEER: TBD.</p>		<div>PROJECT NUMBER: T091463</div> <div>DRAWING TITLE: TITLE SHEET</div> <div>DRAWING NUMBER: T-1</div>																						



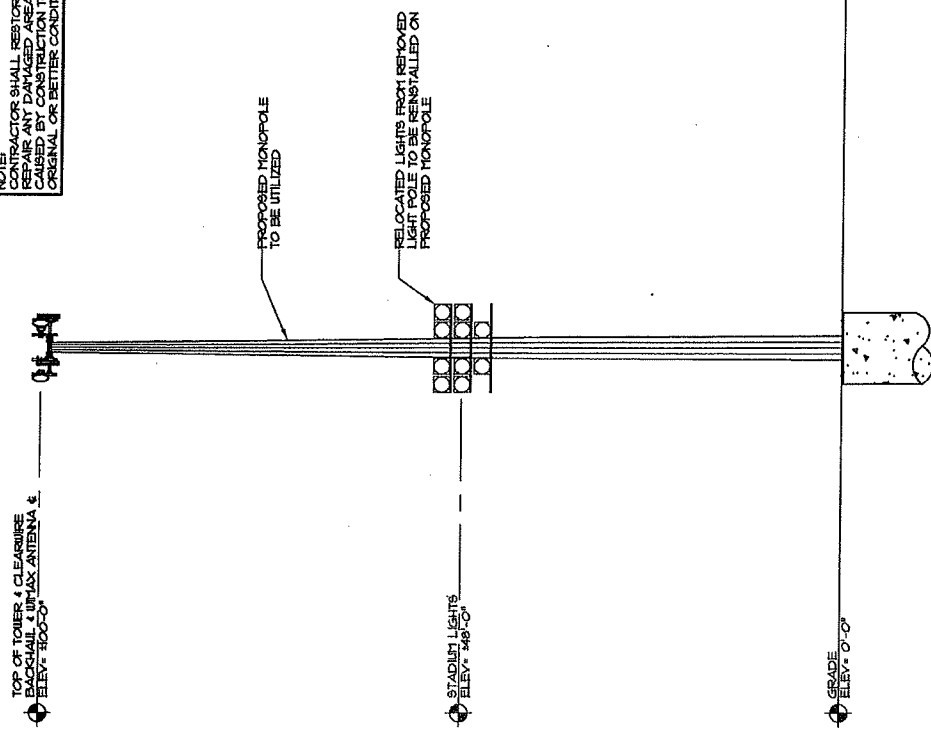
NOTE:  
CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED AREAS CAUSED BY CONSTRUCTION TO ORIGINAL OR BETTER CONDITION



**ENLARGED SITE PLAN 1**  
SCALE: 1" = 5'-0"



NOTE:  
CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED AREAS CAUSED BY CONSTRUCTION TO ORIGINAL OR BETTER CONDITION



**MONOPOLE ELEVATION 2**  
SCALE: 1" = 15'-0"

**W-T COMMUNICATION DESIGN GROUP, LLC.**  
WIRELESS INFRASTRUCTURE  
2075-B South Avenue  
Mankato, MN 56002  
PH: (507) 255-6555 FAX: (507) 255-6444  
ILL. License No. 144-02118 Exp. 04/01/11  
COPYRIGHT © 2009 W-T COMMUNICATION DESIGN GROUP, LLC

SCOTT B. BERGMAN, P.E.  
STATE OF MINNESOTA  
LICENSED PROFESSIONAL ENGINEER  
EXPIRES 04/30/13 SIGNATURE

**clearwire®**  
wireless broadband

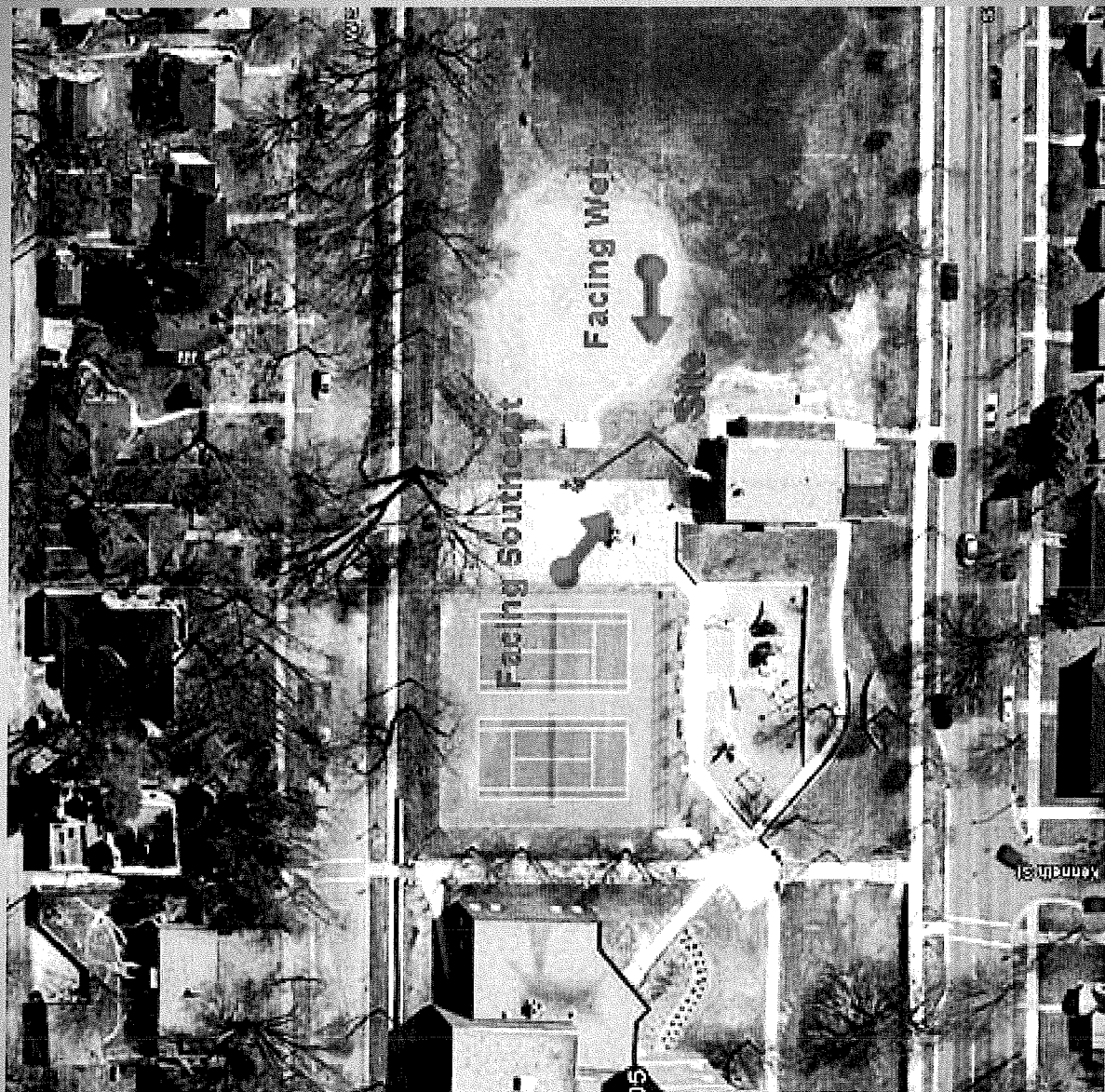
SITE NAME: ST. PAUL - CLEVELAND AVE S  
& ST. CLAIRE AVE W  
CLEARWIRE SITE ID: MN-MSP0464  
2008 ST. CLAIR AVE  
SANT PAUL, MN 55105

PROJECT NUMBER 1091463	ISSUED FOR ZONING B 11/05/09	DATE A 10/29/09	DESIGNED BY: TRK	DRAWN BY: JWA
DRAWING TITLE ENLARGED SITE PLAN & TOWER ELEVATION	ISSUED FOR ZONING B 11/05/09	DATE A 10/29/09	DESIGNED BY: TRK	DRAWN BY: JWA
DRAWING NUMBER C-2	ISSUED FOR ZONING B 11/05/09	DATE A 10/29/09	DESIGNED BY: TRK	DRAWN BY: JWA



MN-MSP0464

2001 St. Clair Ave.  
St. Paul, MN



clearwire  
wireless broadband

**W-T**  
W-T COMMUNICATION  
DESIGN GROUP, LLC  
wtdg@aol.com 612.833.1111

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Disclaimer: This photo simulation is an artist's depiction of a future installation. The actual construction may vary slightly in size, layout, color and texture from this simulation.



09/17/20

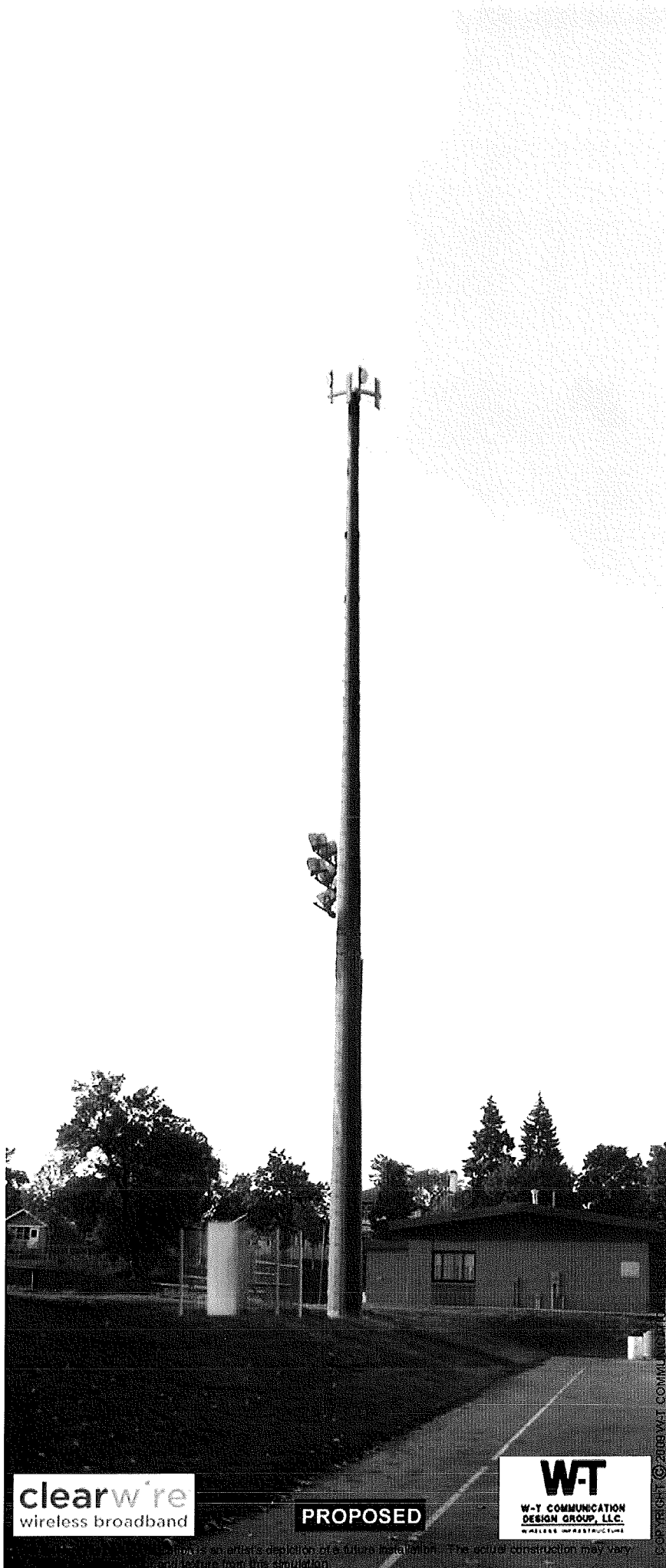
**clearw're**  
wireless broadband

**EXISTING**

**WT**  
W-T COMMUNICATION  
DESIGN GROUP, LLC  
WIRELESS INFRASTRUCTURE

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This is an artist's depiction of a future installation. The actual construction may vary in color and texture from this simulation.



clearwire  
wireless broadband

PROPOSED

WT

W-Y COMMUNICATION  
DESIGN GROUP, LLC  
WIRELESS INFRASTRUCTURE

This is an artist's depiction of a future installation. The actual construction may vary from this simulation.

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MN-MSP0464

2021 St. Clair Ave.,  
Saint Paul, MN

Facing West



09/17/12

**clearw're**  
wireless broadband

**EXISTING**

**WT**

W-T COMMUNICATION  
DESIGN GROUP, LLC.  
WIRELESS INFRASTRUCTURE

W-T COMMUNICATION DESIGN GROUP, LLC.

The above simulation is an artist's depiction of a future installation. The actual construction may vary in design, color and texture from this simulation.

MN-MSP0464

2021 St. Clair Ave.,  
Saint Paul, MN

Facing West



clearw\*re  
wireless broadband

PROPOSED

WT

W-T COMMUNICATION  
DESIGN GROUP, LLC.  
WIRELESS INFRASTRUCTURE

W-T COMMUNICATION DESIGN GROUP, LLC.

097-1712

This rendering is an artist's depiction of a future installation. The actual construction may vary from this simulation in color and texture.

# 10-114-639  
1961 AZ chair

**Sarah Zorn - Groveland Elementary Cell Tower**

---

**From:** "MarkG.Roemer"  
**To:** "'sarah.zorn@ci.stpaul.mn.us'"  
**Date:** 3/24/2010 11:21 AM  
**Subject:** Groveland Elementary Cell Tower

---

Hi Sarah,

I live directly across the street from Groveland Elementary, more specifically directly across from home plate on the baseball diamond at 1983 Sargent. It alarms me that the city would once again try to get some monstrosity placed at the school since the last two years it's been trying to get a permanent ice rink in place of our tennis and basketball courts.

My wife and I will be in attendance this evening to voice our dismay this brings us since the last thing we need across the street from us is a new transformer and 5-6' wide 100' tall pole to add the ever-increasing park problems.

Thanks,

Mark

**Mark G. Roemer** | User Experience Architect - IMX | Target.com | ~~Office: 612-208-2246~~ | ~~Home: 612-208-2246~~

#10-114-639  
1961 st. Clair**Sarah Zorn - Clear Wireless Monopole File # 10-114-639****From:****To:****Date:** 3/24/2010 12:22 PM**Subject:** Clear Wireless Monopole File # 10-114-639

Mr. Curtis,

We received the notice for the public hearing on the Clear Wireless application for a conditional use permit to install a wireless communications antenna on a monopole at Groveland Park. We do plan to attend the zoning committee hearing on April 1, 2010 and oppose this application.

We wanted you to know as our District Council representative that we are opposed to the installation of this antenna for several reasons:

1. The middle of the Groveland Playground area is not an appropriate place for this antenna; it's a playground not an industrial park;
2. The proposed fenced in mechanicals for this antenna will be a safety hazard for the many children who use this area. In addition to the likelihood that kids will climb on/into it just because it is there, it will also impede the flow of traffic from one area of the playground to another
3. This playground area is used extensively year round and a 100 foot monopole in the middle of it is an eyesore to the people using the park as well as nearby residents and passersby.
4. There is no apparent benefit to locating this antenna in the middle of a playground area. It can be located in a commercial/non residential area which would make it less conspicuous and dangerous to the kids who use the park and attend Groveland School.
5. This playground area is a significant reason residents enjoy living in this area of the city and the community is very involved in making this playground area a special place for families. A 100 foot monopole does not enhance the look of the playground but would interfere with the use of the area.
6. There is no reason to assume that Clear Wireless is community friendly. If one pole is erected, then the area will be considered a prime location for additional towers.

The conditional use permit should not be approved for Clear Wireless to install a 100 monopole in the middle of Groveland Park playground.

Sincerely,

deedee vandenorth  
1932 princeton avenue  
saint paul mn 55105  
651 698 7940

#10-114-639  
1961 St. Clair Ave  
Groveland Rec Center

**Sarah Zorn - Fwd: File # 10-114-639**

---

**From:** Bryan Bearss  
**To:**  
**Date:** 3/24/2010 5:19 PM  
**Subject:** Fwd: File # 10-114-639  
**CC:** Todd Curtis , Russ Stark ,

---

Dear Sarah,

The residents around Groveland Park Playground are in receipt of a notice concerning a proposed conditional use permit. It appears that the notice is improper and not valid. The Ramsey County Recorder confirms that there is no property owner listed at a 1961 St. Clair Avenue and ownership of the site and dimensions appears to be in question. Also, it is the neighbors and school staff understanding in discussions today that the City's use is conditioned on a lease agreement with Independent School Dist 625 for the site in question. This is a written request that Notice is improper with a request to reschedule any public hearing on this matter, if necessary and a second request that the City attorney first confirms the City's rights to enter into this agreement with applicant with proper legal counsel at school board before scheduling a public hearing.

Scheduling such hearing next week during Dist 625 Spring Break is a hardship on residents, students and the district.

Sincerely,

Bryan and Karin Bearss  
651 687 5189



**Sarah Zorn - Comm Tower at Groveland**

---

**From:** Raymond Olson  
**To:**  
**Date:** 3/24/2010 10:06 PM  
**Subject:** Comm Tower at Groveland  
**CC:**

---

I am strongly opposed to such a communications tower of this size to be erected in Groveland Park. Is this for the benefit of some private company? What does the school and neighborhood get in return? What is a "monopole"? Does it require guide wires? How much space does it take? Why does it need to be that tall? Is it to provide service outside the neighborhood, or city? Couldn't a number of small, less obtrusive, structures be put on top of the school if they truly are intended to benefit local residents? Has there been a public meeting, in the evening, scheduled at the school so local residents may conveniently attend? How will it affect property values? At what stage is the planning process for this project? Why is there such short notice of this hearing? Who is Clear Wireless? These questions need to be answered.

In addition we need to see a detailed site plan. Can you send me one as well some additional detail right away so that the neighbors here can examine it before the hearing. I hope things are not already decided as they were when the city turned over Pleasant Arena to an exclusive skating club with little public notice and not getting much in return for a 10 year lease. This mistake was made under the previous mayor. I hope it is not repeated. I will also be contacting our council person about this to see what they know about it?

Ray and Roberta Olson (Neighbors Against the Tower)



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

December 22, 2009

Lawrence J. Coleman  
FMHC Corporation  
7400 Metro Boulevard  
Suite 260  
Edina, MN 55439

Re: Clear Wireless, LLC (Clearwire) Request for Statement of Clarification

Dear Mr. Coleman:

**Request for a Statement of Clarification**

We have reviewed your request for a Statement of Clarification as to whether Clear Wireless, LLC, (Clearwire) a wireless (broadband) data communications service provider, is substantially similar in character and impact to traditional cellular telephone service providers with antennas and equipment that are allowed subject to certain conditions throughout Saint Paul.

**Statement of Similar Use**

Based upon the provision of Saint Paul Legislative Code Sec. 61.106, it is our determination that Clearwire's proposed wireless data communication service and equipment is substantially similar in character and impact to traditional cellular telephone voice service and equipment.

**Findings in Support of Similar Use Statement**

This similar use determination is based upon the information that you provided during our Dec. 4th meeting in the DSI Zoning Office, and in your Dec. 7, 2009, Similar Use request letter.

Clearwire is a wireless data service provider which is entering the Twin Cities market with its wireless network, proposing 40 plus sites for Saint Paul and 480 plus sites for the metro area. It allows users wireless access to the internet from computer modems or through the modern generation of smart wireless phones. Some cellular telephone service providers, such as AT&T, Verizon and SPRINT, also provide internet access using their existing equipment.

Clearwire's installation will generally include three panel antennas each approximately one foot wide and four feet long. Each site will also include three microwave dishes that are approximately two feet in diameter, and an equipment shelter which houses the radios that translate the wireless signals to signals that can be used for the transfer of data over land lines (e.g., telephone lines of copper or fiber optic). It is anticipated that co-locating on existing telecommunications towers would be utilized where available.

Based upon the information you provided, we have made the following findings:

*(a) That the use is similar in character to one (1) or more of the principal uses permitted.*

Sec. 65.310 allows for cellular telephone antennas and equipment shelters for the transmission and reception of wireless telephone communications. Clearwire proposes using similar but smaller types of antennas and a smaller ground equipment building than for cellular telephone service. Clearwire would use microwave dishes for the transfer of wireless data communication from one dish to another. These are comparable to antenna panels except that the dishes are round cone shaped instead of rectangular panels and must have a "line of sight" from one dish to the next. Several of the traditional wireless cell phone voice providers have made equipment upgrades on sites in Saint Paul that will allow wireless data communications. Cellular telephone antennas are the closest thing in the zoning code to the wireless data communication antennas proposed by Clearwire.

*(b) That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.*

Cellular antenna installations do not generate any measurable amounts of traffic. Clearwire owned wireless data installations would generate no more traffic than traditional cellular installations.

*(c) That the use is not first permitted in a less restrictive zoning district.*

This Statement of Clarification is not zoning district specific. Cellular telephone antennas are permitted in all zoning districts with conditions.

*(d) That the use is consistent with the comprehensive plan.*

Three overarching themes in the current Saint Paul Comprehensive Plan are Growth, including business development and jobs; Quality of Place, exemplified by the aesthetic attributes of the city; and Well-Being, which includes economic growth. The Land Use portion of the Comprehensive Plan calls for a balance of three factors – economy, community and environment: the goal is to meet the needs of each without jeopardizing the other two factors. Traditional wireless cellular antenna installations or Clearwire's new generation of wireless data antenna installations are not specifically addressed but are not inconsistent with the Comprehensive Plan.

Larry Coleman  
December 22, 2009  
Page 3 of 3

It is the policy of the Office of Safety and Inspections to inform affected neighborhood district councils of similar use determinations made by the Zoning Administrator. Since this decision affects the entire city, I am providing a copy of this similar use determination letter to all of the districts councils for their information.

Sincerely,

A handwritten signature in cursive script, reading "M. P. Montgomery".

Mary Montgomery  
DSI Inspector/ Zoning  
651-266-9088



December 7, 2009

Wendy Lane, Zoning Manager  
Department of Safety and Inspections  
City of St. Paul  
375 Jackson Street, Suite 200  
St. Paul, MN 55101-1806

Re: Clearwire Similar Use Determination and Request of State of Clarification

Dear Ms. Lane:

Clear Wireless, LLC (Clearwire) is a wireless service provider which is entering the Twin Cities market with its wireless network. Although this wireless service differs slightly from the traditional cellular telephone antennae installations, it is substantially similar in character and impact to the cellular telephone antennae regulated under Art. IV, Sec. 65.300 et seq. of the St. Paul Zoning Code. The specific requirements for a Similar Use Determination under Sec. 61.106 are analyzed below.

**(a) That the use is similar in character to one (1) or more of the principal uses permitted.**

The use of the Clearwire antenna network is similar in character to the use of a traditional cellular antenna network. Traditional cellular antenna networks are designed to provide voice telecommunications from a network of antennae to the end user through wireless radio waves and the Clearwire antenna network is designed to provide data telecommunications from a network of antennae to the end user through wireless radio waves. The definition of antenna in Sec. 65.310 of the St. Paul Zoning Code defines antenna as "A device consisting of metal, carbon fibre, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of radio waves in wireless telephone communications." The Clearwire antenna is substantially similar except that it is for the transmission and reception of radio waves in wireless data communications. Many of the traditional wireless carriers now also offer wireless data communications as part of their service. Clearwire also uses microwave dishes for the transfer of wireless data communications which is similar to the traditional panel antenna except that it is round in shape rather than an elongated rectangular panel. The Clearwire installations do differ from some of the traditional wireless carriers in that the Clearwire installation is usually smaller in size and uses less panels.



SUD Request  
Page Two

- (b) That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.**

There is very little traffic generated in either the traditional wireless carrier site or the Clearwire site. Site visits are only needed once or twice per month and in emergency circumstances.

- (c) That the use is not first permitted in a less restrictive zoning district.**

The use of wireless data communications is not listed in the Zoning Code.

- (d) That the use is consistent with the comprehensive plan.**

The use of wireless data communications is not inconsistent with the comprehensive plan. This use is the evolution of wireless communications but is not specifically addressed in the comprehensive plan.

In addition to the above listed factors, a number of other questions have been posed regarding Clearwire, the service it provides and how the network will operate. These questions will be addressed in narrative form below.

Clearwire provides wireless data communications services to the general public through a network of antenna sites. These services can be received through either a computer modem or through hand held devices similar in character to the modern generation of wireless phones. These services are regulated by the FCC and copies of the FCC licenses have been enclosed for your reference. Although the wireless data communications are similar to the traditional carriers, it differs in that greater speed is available through the Clearwire service.

The Clearwire equipment is very similar to cell antennae in size, appearance and function. The ground equipment for Clearwire has dimensions of 54" x 25" x 25" and typically uses ground space of 7' x 7'. In contrast, the traditional carriers can have equipment shelters of up to 12' x 30' but the equipment serves the same function, translating the wireless signals to signals that can be used for the transfer of communications using land lines (e.g. telephone lines). The panels used by Clearwire



SUD Request  
Page Three

are smaller than those used by the traditional carriers and measure approximately 4' x 1' whereas traditional carriers may use panels as large as 8' x 1'. Combined with the typical Clearwire dish of a 2' diameter (Clearwire does not use dishes over 3'), the total size of the installation is typically about 6'. A standard Clearwire installation contains a total of 3 panels and 3 dishes and can contain as many as 6 dishes. In contrast, many of the traditional carriers can use as many as 12 or even up to 15 panels for a single site. While the Clearwire site is similar, it differs in that not as many panels/dishes are required for a site and the ground equipment is smaller. Equipment photos and plans have been enclosed.

Installation of the Clearwire equipment is very similar in character to that of the traditional wireless carriers. The antennae/dishes can be installed on existing telecommunications towers, rooftops, water towers or most places where traditional carriers would locate their sites. The separation requirements for Clearwire to locate its antennae/dishes is less than that required by the other carriers, usually 3-4', whereas the other carriers can require as much as 10' separation. Interference is strictly regulated by the FCC and no interference issues are anticipated (see the enclosed non-interference letter by the Clearwire Radio Frequency Engineer). The dishes do require "line of sight" communications which means that the dish from one site must be able to visibly connect to the dish on the neighboring site. Therefore, some dishes may require additional elevation as compare the panel antennae.

The anticipated coverage in St. Paul is for the entire City to receive coverage. Sites have approximately a 1 mile radius of coverage but some sites may have more or less depending upon the topography, trees and buildings in the area. A map showing the anticipated sites has been enclosed. These sites are preliminary in nature and may require some modification before the network design is finalized. The anticipated rate of installation is for installations to begin shortly after the New Year and to be completed by late summer. Network testing is anticipated by 10/1/10 and offering the service to the general public is anticipated by 11/1/10.

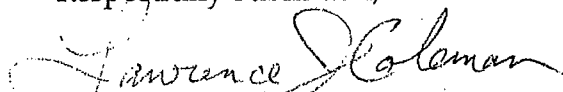
For the above stated reasons, the proposed use of Clearwire to install sites as part of an antenna/dish network in St. Paul is substantially similar in character and impact to the use of cellular antenna as regulated by Sec. 65.300 et seq. of the St. Paul Zoning Code.



SUD Request  
Page Four

Therefore, Clearwire respectfully requests that you issue a Statement of Clarification for the zoning and permitting of the proposed antenna/dish network. If you have any questions or are in need of additional information, please do not hesitate to contact me.

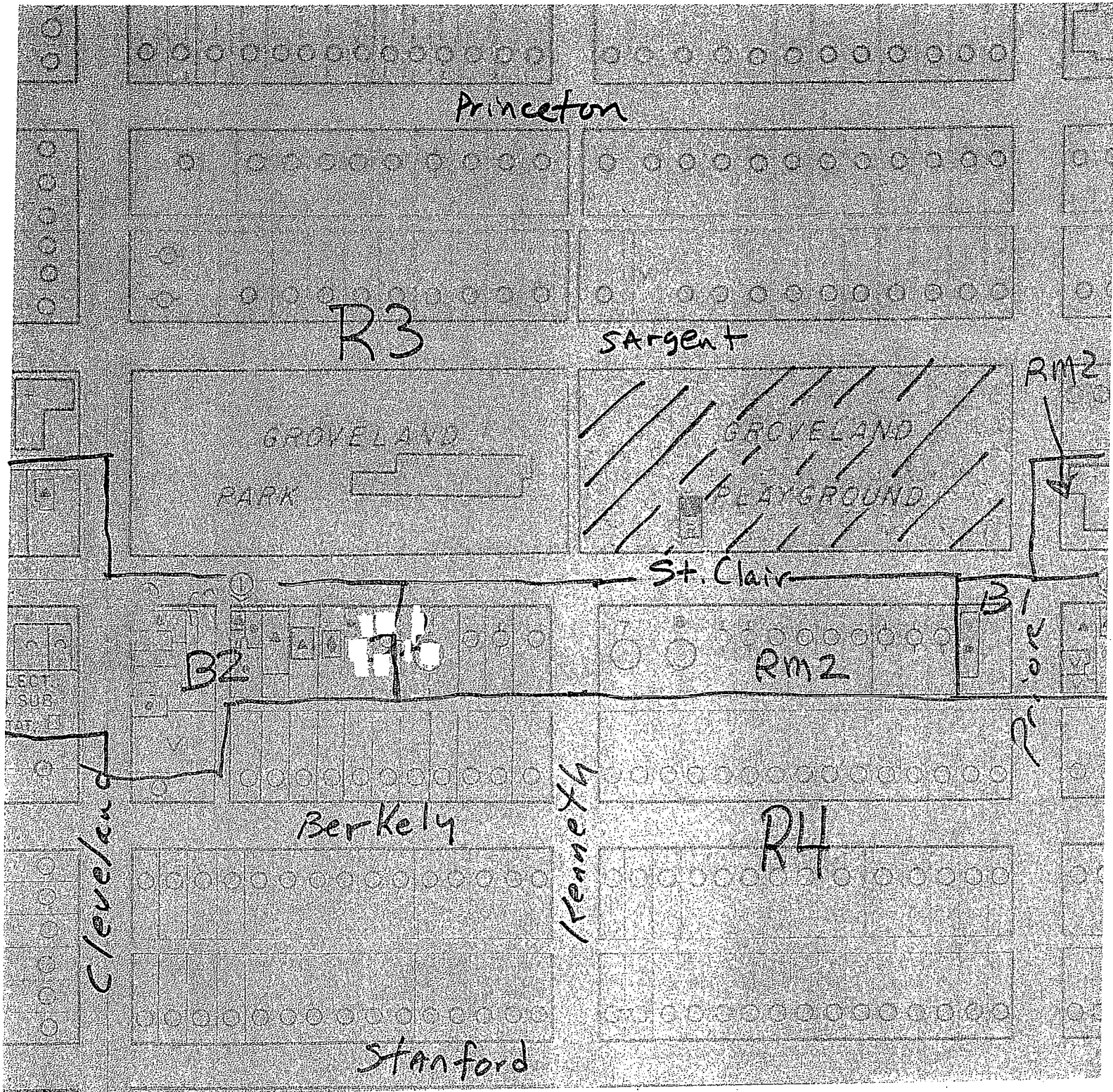
Respectfully Submitted,

  
Lawrence J. Coleman  
FMHC Corporation  
(651) 249-3866

Enclosures: RF Letter of Non-Interference  
Frequency Chart  
FCC Licenses  
Equipment Information

LJC/wo





APPLICANT Clear Wireless  
 PURPOSE Conditional Use  
 FILE # 10-114639 DATE 3-1-10  
 PLNG. DIST. 14 MAP # 25

SCALE 1" = 400'



LEGEND

zoning district boundary

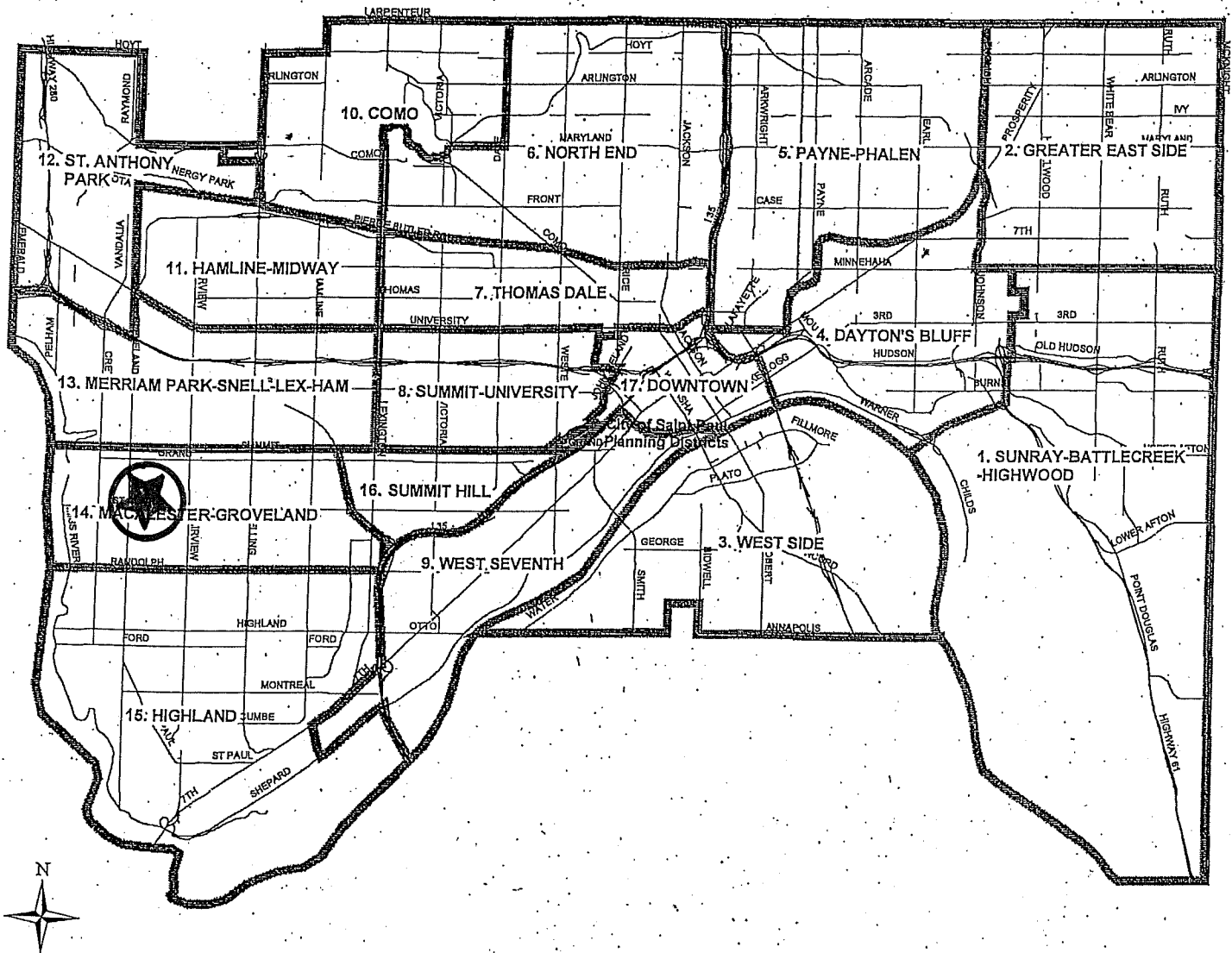
subject property

one family  
 two family  
 multiple family



commercial  
 industrial  
 vacant

# CITIZEN PARTICIPATION DISTRICTS



## CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#

10-114639

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Clear Wireless LLC (Eastview Playground) **FILE #** 10-116-425
  2. **APPLICANT:** Clear Wireless LLC **HEARING DATE:** April 1, 2010
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 1675 5th St E, Area bounded by Kennard, 5th, Flandrau, Margaret St. Alley
  5. **PIN & LEGAL DESCRIPTION:** 342922110163, G V Bacons Addition Vac Alley In Blk 10 And Vac 6th St Bet And Lots 16 Thru 30 Blk 7 And Lots 1 Thru Lot 30 Blk 10
  6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** R4
  7. **ZONING CODE REFERENCE:** §65.310; §61.501
  8. **STAFF REPORT DATE:** March 22, 2010 **BY:** Sarah Zorn
  9. **DATE RECEIVED:** March 3, 2010 **60-DAY DEADLINE FOR ACTION:** May 2, 2010
- 

- A. **PURPOSE:** Conditional Use Permit for a wireless communications antenna on a 100 ft monopole
- B. **PARCEL SIZE:** 264,875 sq. ft.; the area of disturbance is approximately 100 sq. ft.
- C. **EXISTING LAND USE:** G-Parks/Rec. Facility
- D. **SURROUNDING LAND USE:**
  - North: Single family residential (R4)
  - East: Single family residential (R4)
  - South: Single family residential (R4)
  - West: Single and two family residential (R4)
- E. **ZONING CODE CITATION:** §65.310 requires a conditional use permit for cellular telephone antennas on a free-standing pole in residential districts, and provides specific standards and conditions for cellular telephone antennas. §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** In November of 2009 an application for a wireless communication antenna was returned to the applicant, who was directed to the Zoning Administrator for a Statement of Clarification.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council is in support of this application.
- H. **FINDINGS:**
  1. The Zoning Administrator issued a Statement of Clarification in December of 2009 determining that broadband data service is substantially similar in character to traditional cellular telephone service.
  2. §65.310 defines 'cellular telephone antenna', requires a conditional use permit for cellular telephone antennas on a free-standing pole in residential districts, and lists the following standards and conditions with which they must comply:
    - (a) *In residential districts, a conditional use permit is required for cellular telephone antennas on a residential structure less than sixty (60) feet high. In residential, traditional neighborhood and business districts, a conditional use permit is required for cellular telephone antennas on a freestanding pole, except for existing utility poles. In residential and traditional neighborhood districts, existing utility poles to which cellular telephone antennas are attached shall be at least sixty (60) feet high. This condition is met. An application for a conditional use permit has been made for a cellular telephone/wireless communications antenna on a 100 foot high freestanding monopole.*
    - (b) *In residential, traditional neighborhood, and OS--B3 and B5 business districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached...* The proposed antenna is not being attached to an existing structure; therefore this condition does not apply to this application.

(c) *For antennas proposed to be located on a residential structure less than sixty (60) feet high in residential districts, or on a new freestanding pole in residential, traditional neighborhood, and business districts, the applicant shall demonstrate that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half ( 1/2) mile radius of the proposed antennas due to one (1) or more of the following reasons:*

*(1) The planned equipment would exceed the structural capacity of the existing pole or structure.*

*(2) The planned equipment would cause interference with other existing or planned equipment on the pole or structure.*

*(3) The planned equipment cannot be accommodated at a height necessary to function reasonably.*

*(4) The owner of the existing pole, structure or building is unwilling to co-locate an antenna.*

This condition is met. The applicant has provided a map showing buildings within one half mile of the proposed antenna site, and the reasons the proposed antennas cannot be accommodated on existing structures in the area.

(d) *In residential, traditional neighborhood and business districts, cellular telephone antennas are to be located on a new freestanding pole are subject to the following standards and conditions:*

*(1) The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas. This condition is met. The February 26, 2010 letter from the applicant attached to the application states that the antenna will be 100 ft. tall and collocatable.*

*(2) Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure. This condition is met. The antenna will not be located in a required front or side yard. The proposed location is more than 110 ft. from the nearest residential property.*

*(3) The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision. The applicant has provided a photographic perspective that shows what the antenna will look like on the site. The antenna will be designed to carry a light fixture used to illuminate the ballfield as well, which will help it to blend in.*

*(4) In residential and traditional neighborhood districts, the pole shall be on institutional use property at least one (1) acre in area. In business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area. This condition is met. The pole will be located at Eastview Park, which is approximately 4.5 acres in area.*

(e) *In industrial districts, cellular telephone antennas on a freestanding pole shall not exceed one hundred fifty (150) feet in height, shall not be located in a required front or side yard, and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure. This condition does not apply.*

(f) *Antennas located in historic districts shall be subject to review and approval of the heritage preservation commission. This condition does not apply.*

(g) *Freestanding poles shall be a monopole design. This condition is met. The proposed*

freestanding pole is a monopole design.

(h) *Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate.* This condition can be met. No screening or equipment enclosure is currently proposed. If the applicant works with Parks and Recreation to satisfactorily screen the equipment, this condition can be met.

(i) *Cellular telephone antennas that are no longer used for cellular telephone service shall be removed within one (1) year of nonuse.* This condition is met. The applicant has agreed to abide by this condition.

3. §61.501 lists five standards that all conditional uses must satisfy:

(1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Comprehensive Plan refers to the importance of ensuring investments in local and regional infrastructure supportive of economic development.

(2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. There is no significant traffic associated with the use; ingress and egress is adequate for routine maintenance.

(3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed pole will be located on Parks property and will remove and replace an existing light fixture. The use will actually improve the general welfare by expanding wireless communication capabilities in the area.

(4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will not impede the development or improvement of surrounding properties.

(5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The construction, operation and maintenance of the antenna will conform to all applicable district regulations.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for a wireless communications antenna on a 100 ft monopole at 1675 5<sup>th</sup> Street East, as shown on the attached site plan, subject to the following conditions:

1. A lease agreement is reached between Clear Wire and the City of Saint Paul;
2. The screening and concealment of ground equipment shall be approved by the City of Saint Paul, Department of Parks and Recreation;
3. If the antenna is no longer used for cellular phone/wireless communication service it shall be removed within one year as stated in section 65.310(j);
4. During the effective period of the lease, Clear Wire shall be responsible for removal or relocation of the antenna and monopole at Clear Wire's expense if required by the City of Saint Paul.



# CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # 10-116425

Fee: 250

Tentative Hearing Date:

4-1-10

PD=1

# 3429 2211 0163

## APPLICANT

Name Clear Wireless, LLC MN-MSP 0015

Address 7400 Metro Blvd., Ste. 260

City Edina St. MN Zip 55439 Daytime Phone (651) 249-3866

Name of Owner (if different) City of St. Paul

Contact Person (if different) Lawrence Coleman Phone (651) 249-3866

## PROPERTY LOCATION

Address / Location 1675 - 5th St. E.

Legal Description PIN: 34.29.22.11.0163

See attached description. Current Zoning R4  
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of  
Chapter 65, Section 65.310, Paragraph (d) of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See attached documentation.

CK  
160227  
2-26-10

☒ Required site plan is attached

Applicant's Signature Lawrence Coleman for Date 2/26/10 City Agent pd  
Clear Wireless, LLC 2-26-10





FMHC Corporation  
1535 N. Elston Avenue  
Chicago, IL 60622

www.fmhc.com  
phone 773 395 8800  
fax 773 395 3464

February 26, 2010

City of St. Paul  
PED - Zoning Section  
1400 City Hall Annex  
25 W. 4<sup>th</sup> St.  
St. Paul, MN 55102-1634

Re: Conditional Use Permit Application  
Clearwire Site No.: MN-MSP0015  
Address: 1675 - 5<sup>th</sup> Street East

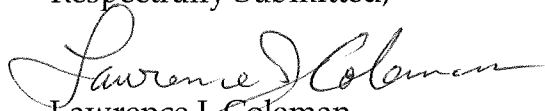
Dear PED:

Clear Wireless, LLC is a new wireless service provider to the Twin Cities and is in the process of developing its network. Attached please find a Special Condition Use Permit application along with a check for the application fee in the amount of \$750.00. Enclosed with the application is the legal description, supporting information, site plans, map with legend of properties within 1/2 mile radius, site simulation and RF non-interference letter.

This proposal is to replace an existing light standard at the Eastview Park baseball field with a 100 ft. monopole. The monopole will be collocatable. The ground equipment will be located on an H-frame adjacent to the recreational center building and the building will provide screening. Review of this project by the District 1 Council has taken place and they are in support of the project. Care has been taken in the location of this site to have the least impact on the neighborhood as possible.

If you have any questions or are in need of additional information, please do not hesitate to contact me.

Respectfully Submitted,

  
Lawrence J. Coleman  
FMHC Corporation  
(651) 249-3866

Enclosures

LJC/wo

## SUPPORTING INFORMATION

### Code Requirements:

*The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*

This use will be the location of antennae upon a 100 ft. monopole with the accompanying equipment on the ground besides the monopole as a replacement for the existing light standard. This monopole will be collocatable. Screening is provided by the existing recreational center building. This area is currently used as a park adjacent to a school and the light standard is for the baseball field.

*The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

After initial construction, only routine maintenance of the site will be required and there will be no regular traffic associated with this use. Parking is available on site.

*The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

The current use of the proposed installation is as a light standard for a baseball field in a City park. The use of the light standard will remain but the pole will be taller in order to accommodate the wireless antennae and dishes. Installation of the antennae will actually improve the public health, safety and welfare by improving wireless service in the area and providing E911 emergency communications capability.

*The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

This use will have no impact upon the development and improvement of the surrounding property other than to provide the properties with higher quality wireless communication services.

*The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

It is the policy of Clearwire to comply with all laws and regulations. In addition to the district regulations, Clearwire will also comply with state and federal laws and regulations regarding wireless communication services. The proposed use complies with all the special conditions specified in the zoning code. Care was taken in the placement



of this monopole in an area of the property furthest from the surrounding residential uses and in a location with existing screening in accordance with the spirit and purpose of the zoning code.

**US TITLE SOLUTIONS**

**FILE NO. 31888-MN0912-5010    REFERENCE NO. MN-MSP0015**

---

**REPORT OF TITLE**

**1    DATE OF THIS REPORT**

**2    THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS REPORT IS:**

Fee Simple

**3    TITLE TO SAID ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS REPORT IS AT THE EFFECTIVE DATE HEREOF VESTED IN:**

City of Saint Paul, State of Minnesota

**SOURCE OF TITLE:**

Vesting made by Document Numbers 923358 and 941301 .

**4    THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:**

**TAX LEGAL**

G. V. Bacon's Addition, Vac Alley In Blk 10 And Vac 6th St Bet And Lots 16  
Thru 30 Blk 7 And Lots 1 Thru Lot 30 Blk 10







Google maps

Address 1675 5th St E  
St Paul, MN 55106Notes MN-MSP0015  
Eastview Park Light Standard

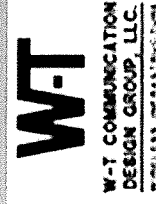
## **Map Legend**

### **Eastview Park Light Standard**

- 1** Harding High School Light Standards – St. Paul Public Schools does not offer acceptable lease terms so site cannot be pursued.
- 2** Cemstone Elevator – property is for sale so lease was not possible.
- 3** Minnehaha Apartments – 1755 Minnehaha Ave., too low for site.
- 4** Little Oven, Cherry Pit, Big Steer – too low.
- 5** Church of Christ – too low.
- 6** St. Pascal Curch & School – the belltower cannot be used since it is made of metal. The school and church buildings are too low for a site.
- 7** Monopole – 1727 Old Hudson Rd., there are currently 3 carriers already on the monopole and available space is too low to function.
- 8** Super 8 Hotel – building is too low to function.
- 9** Grace Lutheran Church – 1730 Old Hudson Rd., the belltower has a large cross and it is too low to go beneath the cross. The building is also too low.
- 10** La Quinta Inn – Although the building is 6 stories, it is in a low lying area and is too low to function properly. The hotel is also in receivership so lease negotiations are not possible.



**1675 5th St. East  
Saint Paul, MN**



COPYRIGHT © 2009 W-T COMMUNICATION DESIGN GROUP, LLC.



MN-MSP0015

1675 5th St. SE  
Saint Paul, MN

Facing West

clearwire  
wireless broadband

EXISTING

**W-T**  
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DESIGN GROUP, LLC  
SERVICES AND PARTNERSHIP

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MN-MSP0015

1675 5th St. East  
Saint Paul, MN

Facing West

clearwire  
wireless broadband

PROPOSED

W-T  
W-T COMMUNICATION  
DESIGN GROUP, LLC  
WIRELESS INFRASTRUCTURE

Disclaimer: This photo simulation is an artist's depiction of a future installation. The actual construction may vary slightly in size, layout, color and texture from this simulation.

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**MN-MSP0015**

1675 5th St. East  
Saint Paul, MN

**Facing North**



**clearwire.**  
wireless broadband

**EXISTING**

**W-T**

W-T COMMUNICATION  
DESIGN GROUP, LLC.  
WIRELESS INFRASTRUCTURE

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**MN-MSP0015**

1675 6th St. East  
Saint Paul, MN

**Facing North**



**clearw're.**  
wireless broadband

**PROPOSED**

**W-T**

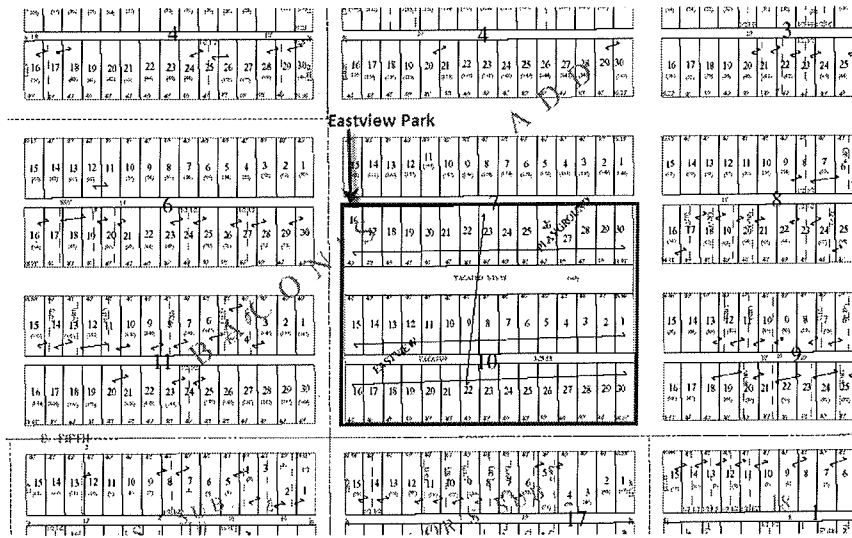
W-T COMMUNICATION  
DESIGN GROUP, LLC  
WIRELESS INFRASTRUCTURE

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Disclaimer: This photo is an artist's depiction of a proposed wireless tower. The actual construction may vary from this simulation.

## LOCATION AND DESCRIPTION OF PROPERTY

The subject of the Conditional Use Permit application is the Eastview Park and Recreation Center property, located 1675 East 5<sup>th</sup> Street, Saint Paul, Minnesota 55106. The Eastview Recreation Center property is legally described as Vacated Alley in Block 10 and Vacated 6<sup>th</sup> Street - Lots sixteen (16) thru thirty (30) in Block seven (7) and lots one (1) to thirty (30) in Block two (2), G.s . Bacon's Addition.



The Eastview Recreation Center property is zoned an R4 Residential District and it meets the institutional use requirement.





4400 Carillon Point  
Kirkland, WA 98033

PHONE:  
425 216 7600

FAX:  
425 216 7900

ONLINE:  
[www.clearwire.com](http://www.clearwire.com)

November 9<sup>th</sup>, 2009

RE: Clearwire FCC Compliance and Interference

To Whom It May Concern:

Clearwire provides wireless broadband services that use a network of fixed base stations. Clearwire operates between 2496 MHz and 2690 MHz spectrum using 10 MHz channels.

Clearwire will comply with all FAA and FCC regulations and applicable standards from all other federal, state, and local laws and regulations. As the applicant for this project, Clearwire will ensure that such installation, repair, operation, upgrading, maintenance and removal of antennas by the wireless communication provider shall be lawful and in compliance with all applicable laws, orders, ordinances and regulations of federal, state and local laws and regulations.

Antenna usage at our wireless installations will not interfere with other adjacent or neighboring transmission or reception of communications signals including emergency services.

Sincerely,

*Julio Hernandez*

Julio Hernandez  
Radio Frequency Engineer  
Clearwire Minneapolis-Saint Paul Market  
(240) 277-4689

#10-116-425  
1675 5th St E.

**Sarah Zorn - 1625 E. 5th St. - Clear Wire**

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**From:**

**To:**

**Date:** 3/24/2010 1:28 PM

**Subject:** 1625 E. 5th St. - Clear Wire

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Dear Sarah,

On November 23, 2009 the District 1 Community Council held a public meeting regarding Clear Wire's request to place a wireless tower on the grounds of Eastview Park. There were 17 people in attendance and the questions centered on the type of service and whether the park would directly benefit from the income the city receives. As a result of the meeting, the board supported the proposal without objection.

Thank you.

Betsy Leach

Exec. Director/Community Organizer

District 1 Community Council

**NEW ADDRESS & PHONE**

2105 1/2 Old Hudson Rd.

Saint Paul, MN 55119

district1council@aol.com; www.district1council.org

651-578-7600 (v); 651-578-7404 (fax)



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

December 22, 2009

Lawrence J. Coleman  
FMHC Corporation  
7400 Metro Boulevard  
Suite 260  
Edina, MN 55439

Re: Clear Wireless, LLC (Clearwire) Request for Statement of Clarification

Dear Mr. Coleman:

**Request for a Statement of Clarification**

We have reviewed your request for a Statement of Clarification as to whether Clear Wireless, LLC, (Clearwire) a wireless (broadband) data communications service provider, is substantially similar in character and impact to traditional cellular telephone service providers with antennas and equipment that are allowed subject to certain conditions throughout Saint Paul.

**Statement of Similar Use**

Based upon the provision of Saint Paul Legislative Code Sec. 61.106, it is our determination that Clearwire's proposed wireless data communication service and equipment is substantially similar in character and impact to traditional cellular telephone voice service and equipment.

**Findings in Support of Similar Use Statement**

This similar use determination is based upon the information that you provided during our Dec. 4th meeting in the DSI Zoning Office, and in your Dec. 7, 2009, Similar Use request letter.

Clearwire is a wireless data service provider which is entering the Twin Cities market with its wireless network, proposing 40 plus sites for Saint Paul and 480 plus sites for the metro area. It allows users wireless access to the internet from computer modems or through the modern generation of smart wireless phones. Some cellular telephone service providers, such as AT&T, Verizon and SPRINT, also provide internet access using their existing equipment.



Clearwire's installation will generally include three panel antennas each approximately one foot wide and four feet long. Each site will also include three microwave dishes that are approximately two feet in diameter, and an equipment shelter which houses the radios that translate the wireless signals to signals that can be used for the transfer of data over land lines (e.g., telephone lines of copper or fiber optic). It is anticipated that co-locating on existing telecommunications towers would be utilized where available.

Based upon the information you provided, we have made the following findings:

*(a) That the use is similar in character to one (1) or more of the principal uses permitted.*

Sec. 65.310 allows for cellular telephone antennas and equipment shelters for the transmission and reception of wireless telephone communications. Clearwire proposes using similar but smaller types of antennas and a smaller ground equipment building than for cellular telephone service. Clearwire would use microwave dishes for the transfer of wireless data communication from one dish to another. These are comparable to antenna panels except that the dishes are round cone shaped instead of rectangular panels and must have a "line of sight" from one dish to the next. Several of the traditional wireless cell phone voice providers have made equipment upgrades on sites in Saint Paul that will allow wireless data communications. Cellular telephone antennas are the closest thing in the zoning code to the wireless data communication antennas proposed by Clearwire.

*(b) That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.*

Cellular antenna installations do not generate any measurable amounts of traffic. Clearwire owned wireless data installations would generate no more traffic than traditional cellular installations.

*(c) That the use is not first permitted in a less restrictive zoning district.*

This Statement of Clarification is not zoning district specific. Cellular telephone antennas are permitted in all zoning districts with conditions.

*(d) That the use is consistent with the comprehensive plan.*

Three overarching themes in the current Saint Paul Comprehensive Plan are Growth, including business development and jobs; Quality of Place, exemplified by the aesthetic attributes of the city; and Well-Being, which includes economic growth. The Land Use portion of the Comprehensive Plan calls for a balance of three factors – economy, community and environment: the goal is to meet the needs of each without jeopardizing the other two factors. Traditional wireless cellular antenna installations or Clearwire's new generation of wireless data antenna installations are not specifically addressed but are not inconsistent with the Comprehensive Plan.

Larry Coleman  
December 22, 2009  
Page 3 of 3

It is the policy of the Office of Safety and Inspections to inform affected neighborhood district councils of similar use determinations made by the Zoning Administrator. Since this decision affects the entire city, I am providing a copy of this similar use determination letter to all of the districts councils for their information.

Sincerely,

A handwritten signature in cursive script, reading "M. P. Montgomery".

Mary Montgomery  
DSI Inspector/ Zoning  
651-266-9088



December 7, 2009

Wendy Lane, Zoning Manager  
Department of Safety and Inspections  
City of St. Paul  
375 Jackson Street, Suite 200  
St. Paul, MN 55101-1806

Re: Clearwire Similar Use Determination and Request of State of Clarification

Dear Ms. Lane:

Clear Wireless, LLC (Clearwire) is a wireless service provider which is entering the Twin Cities market with its wireless network. Although this wireless service differs slightly from the traditional cellular telephone antennae installations, it is substantially similar in character and impact to the cellular telephone antennae regulated under Art. IV, Sec. 65.300 et seq. of the St. Paul Zoning Code. The specific requirements for a Similar Use Determination under Sec. 61.106 are analyzed below.

**(a) That the use is similar in character to one (1) or more of the principal uses permitted.**

The use of the Clearwire antenna network is similar in character to the use of a traditional cellular antenna network. Traditional cellular antenna networks are designed to provide voice telecommunications from a network of antennae to the end user through wireless radio waves and the Clearwire antenna network is designed to provide data telecommunications from a network of antennae to the end user through wireless radio waves. The definition of antenna in Sec. 65.310 of the St. Paul Zoning Code defines antenna as "A device consisting of metal, carbon fibre, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of radio waves in wireless telephone communications." The Clearwire antenna is substantially similar except that it is for the transmission and reception of radio waves in wireless data communications. Many of the traditional wireless carriers now also offer wireless data communications as part of their service. Clearwire also uses microwave dishes for the transfer of wireless data communications which is similar to the traditional panel antenna except that it is round in shape rather than an elongated rectangular panel. The Clearwire installations do differ from some of the traditional wireless carriers in that the Clearwire installation is usually smaller in size and uses less panels.



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Page Two

**(b) That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.**

There is very little traffic generated in either the traditional wireless carrier site or the Clearwire site. Site visits are only needed once or twice per month and in emergency circumstances.

**(c) That the use is not first permitted in a less restrictive zoning district.**

The use of wireless data communications is not listed in the Zoning Code.

**(d) That the use is consistent with the comprehensive plan.**

The use of wireless data communications is not inconsistent with the comprehensive plan. This use is the evolution of wireless communications but is not specifically addressed in the comprehensive plan.

In addition to the above listed factors, a number of other questions have been posed regarding Clearwire, the service it provides and how the network will operate. These questions will be addressed in narrative form below.

Clearwire provides wireless data communications services to the general public through a network of antenna sites. These services can be received through either a computer modem or through hand held devices similar in character to the modern generation of wireless phones. These services are regulated by the FCC and copies of the FCC licenses have been enclosed for your reference. Although the wireless data communications are similar to the traditional carriers, it differs in that greater speed is available through the Clearwire service.

The Clearwire equipment is very similar to cell antennae in size, appearance and function. The ground equipment for Clearwire has dimensions of 54" x 25" x 25" and typically uses ground space of 7' x 7'. In contrast, the traditional carriers can have equipment shelters of up to 12' x 30' but the equipment serves the same function, translating the wireless signals to signals that can be used for the transfer of communications using land lines (e.g. telephone lines). The panels used by Clearwire



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Page Three

are smaller than those used by the traditional carriers and measure approximately 4' x 1' whereas traditional carriers may use panels as large as 8' x 1'. Combined with the typical Clearwire dish of a 2' diameter (Clearwire does not use dishes over 3'), the total size of the installation is typically about 6'. A standard Clearwire installation contains a total of 3 panels and 3 dishes and can contain as many as 6 dishes. In contrast, many of the traditional carriers can use as many as 12 or even up to 15 panels for a single site. While the Clearwire site is similar, it differs in that not as many panels/dishes are required for a site and the ground equipment is smaller. Equipment photos and plans have been enclosed.

Installation of the Clearwire equipment is very similar in character to that of the traditional wireless carriers. The antennae/dishes can be installed on existing telecommunications towers, rooftops, water towers or most places where traditional carriers would locate their sites. The separation requirements for Clearwire to locate its antennae/dishes is less than that required by the other carriers, usually 3-4', whereas the other carriers can require as much as 10' separation. Interference is strictly regulated by the FCC and no interference issues are anticipated (see the enclosed non-interference letter by the Clearwire Radio Frequency Engineer). The dishes do require "line of sight" communications which means that the dish from one site must be able to visibly connect to the dish on the neighboring site. Therefore, some dishes may require additional elevation as compare the panel antennae.

The anticipated coverage in St. Paul is for the entire City to receive coverage. Sites have approximately a 1 mile radius of coverage but some sites may have more or less depending upon the topography, trees and buildings in the area. A map showing the anticipated sites has been enclosed. These sites are preliminary in nature and may require some modification before the network design is finalized. The anticipated rate of installation is for installations to begin shortly after the New Year and to be completed by late summer. Network testing is anticipated by 10/1/10 and offering the service to the general public is anticipated by 11/1/10.


For the above stated reasons, the proposed use of Clearwire to install sites as part of an antenna/dish network in St. Paul is substantially similar in character and impact to the use of cellular antenna as regulated by Sec. 65.300 et seq. of the St. Paul Zoning Code.



SUD Request  
Page Four

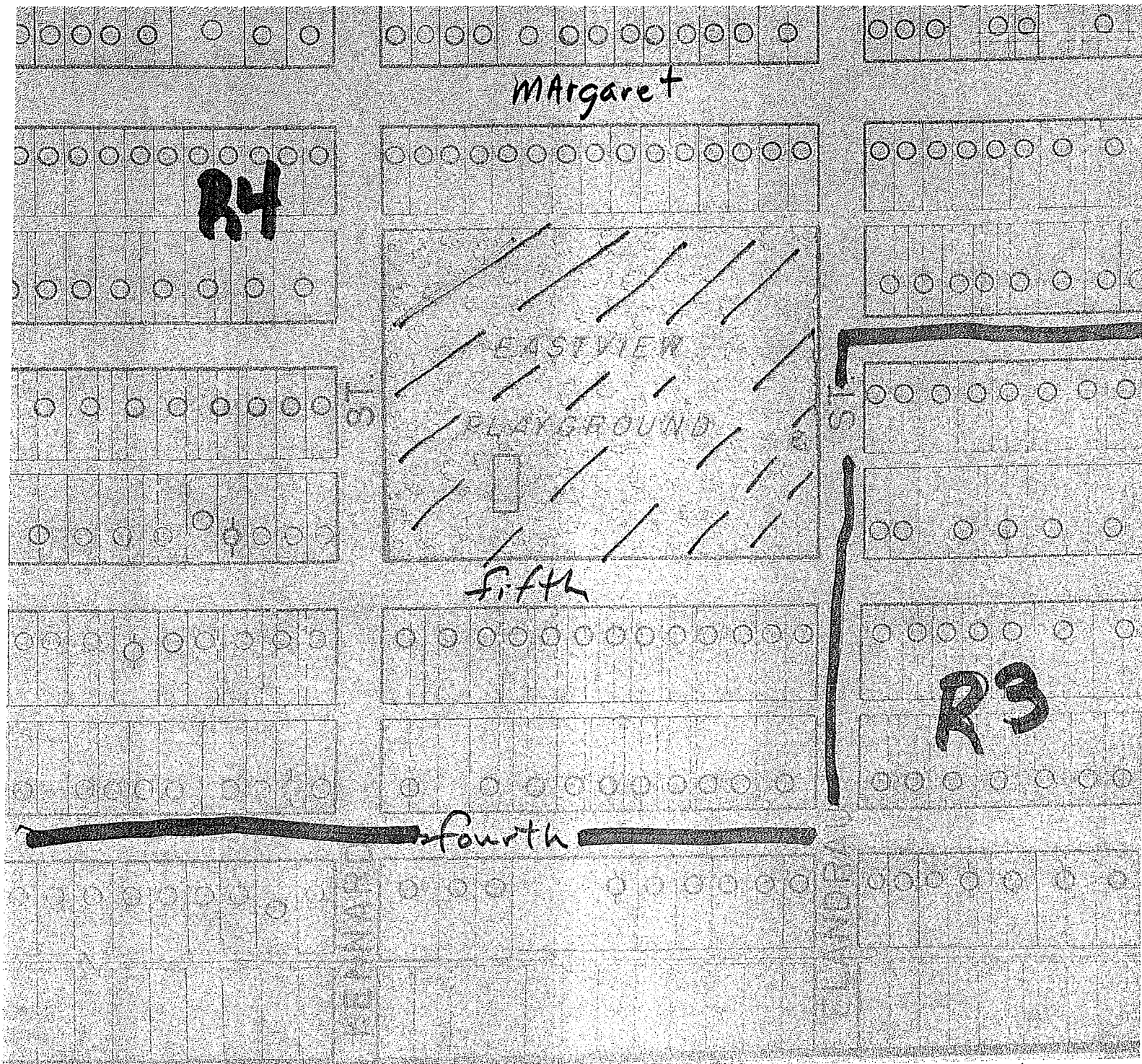
Therefore, Clearwire respectfully requests that you issue a Statement of Clarification for the zoning and permitting of the proposed antenna/dish network. If you have any questions or are in need of additional information, please do not hesitate to contact me.

Respectfully Submitted,

  
Lawrence J. Coleman  
FMHC Corporation  
(651) 249-3866

Enclosures: RF Letter of Non-Interference  
Frequency Chart  
FCC Licenses  
Equipment Information

LJC/wo



APPLICANT Clear Wireless LLC  
 PURPOSE Conditional Use Permit  
 FILE # 10-116425 DATE 3-3-10  
 PLNG. DIST. 1 MAP # 15

SCALE 1" = 400'



#### LEGEND

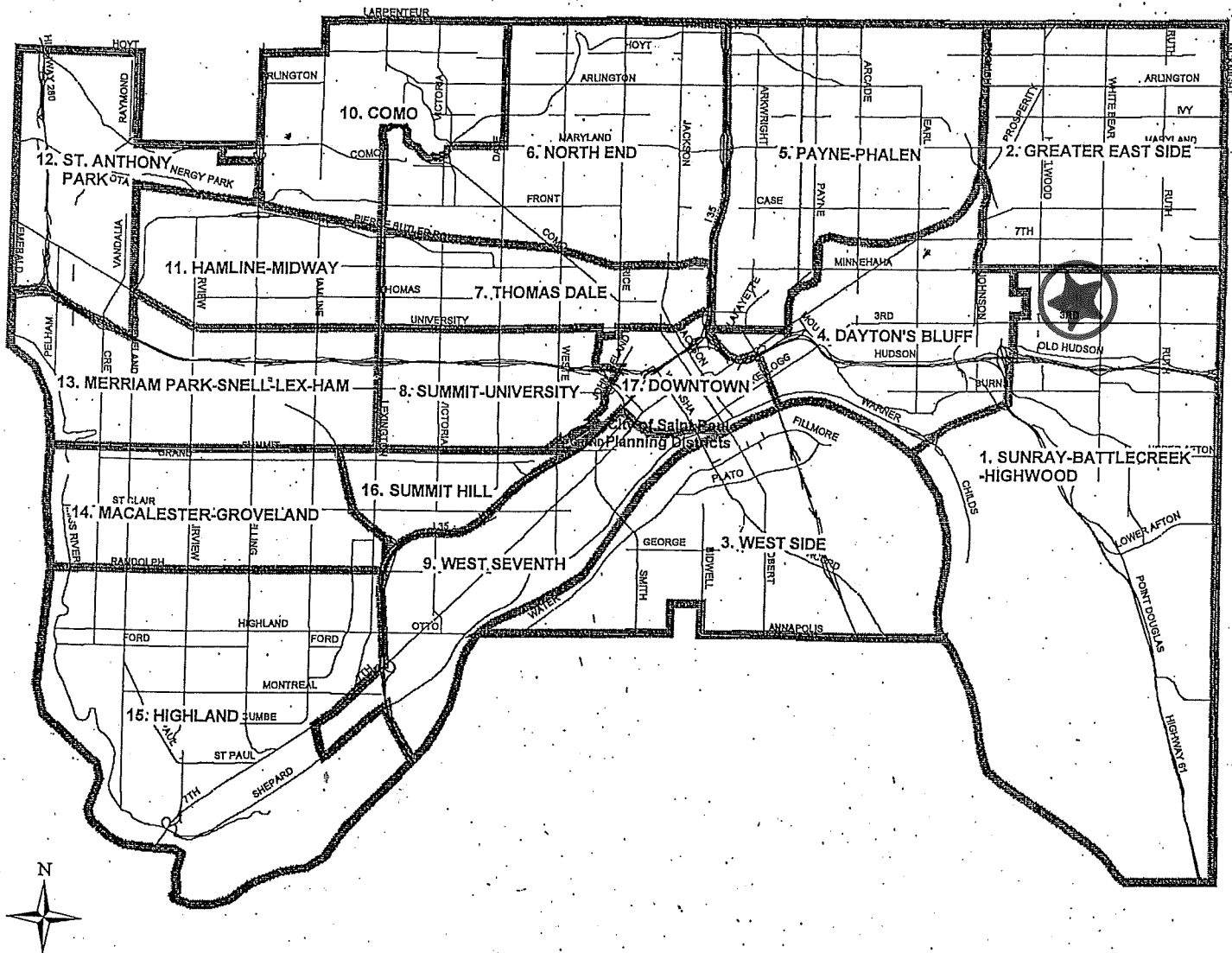
zoning district boundary

subject property

one family  
 two family  
 multiple family

north  
 commercial  
 industrial  
 vacant

# CITIZEN PARTICIPATION DISTRICTS



## CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

10-116425